

Serial No.: 10/707,470
Attorney Docket No.: F-670

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REMARKS

1. Status of Claims

Claims 1-15 and 17-20 were pending in the Application. Applicants appreciate the withdrawal of the previous final action. Applicants have amended claim 10 without prejudice or disclaimer. Applicants have added new claim 21. Applicants respectfully request entry of the above amendments and consideration of the enclosed remarks. Applicants submit that no new matter is added. Accordingly, claims 1-15 and 17-21 will remain pending in the application.

2. Rejections under 35 USC § 112

On page 2 of the Office Action, the Examiner rejected claim 10 under 35 U.S.C. 112, second paragraph. Applicants have amended claims 10 to more clearly recite the relative dimension. Applicants respectfully submit that the amended claim complies with 35 USC 112 and respectfully request that the Examiner withdraw the rejection.

3. Rejections under 35 USC § 102(b)

On page 2 of the Office Action, the Examiner rejected claims 1-3, 5, 7-8, 10 and 15 under 35 U.S.C. 102(b) as allegedly anticipated by U.S. Patent No. 5,589,865 to Beeson ("Beeson '865").

Applicants respectfully traverse the rejection. However, solely in order to expedite prosecution, Applicants have amended independent claim 1 and the rejection is moot.

Applicants respectfully submit that Beeson '865 does not teach or suggest at least two strips of material attached to a substrate wherein:

a first strip of material having a first strip height and attached to the first surface of the substrate sheet and oriented perpendicular to the feed path, wherein the first strip will vertically compress when drawn through a roller nip and partially vertically decompress when exiting the roller nip in order to engage the optical sensors below the feed path;

a second strip of material having a first strip height and attached to the first surface of the substrate sheet and oriented perpendicular to the feed path, wherein the second strip will vertically compress when drawn through a roller nip and partially vertically decompress when

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exiting the roller nip in order to engage the optical sensors below the feed path; and, wherein,

the first strip is separated from the second strip in the direction of the feed path by a first distance; and

the first strip height is relatively large compared to the substrate thickness and the first strip height when partially decompressed is sufficiently large to extend below the feed path to engage the optical sensors.

On page 3, the Examiner apparently argues that Beeson '865 inherently teaches an open cell foam, but Applicants dispute such statement. With regard to claims 3 and 5, there is nothing in Beeson '865 to suggest that such material is the only material that meets the description as would be required for an inherency finding. In fact, the cited reference describes a "tight-celled foam sponge" and a lint-free felt which suggests that open cell foam material is not inherent. Accordingly, Applicants respectfully request the Examiner withdraw the rejection.

On page 3, the Examiner apparently argues that Beeson '865 teaches a narrow first strip. However, there is no roller nip described and no vertical decompression beyond a nip for cleaning. If there were roller nips in the cited reference, it would appear the solvent would splash on such rollers and not the print head described. Accordingly, the system described may use a side handling feeder for its media. Accordingly, Applicants respectfully request the Examiner withdraw the rejection.

Accordingly, Applicants respectfully submit that claims 1-3, 5, 7-8, 10 and 15 are patentable over the cited reference.

4. Rejections under 35 USC § 103(a)

On page 4 of the Office Action, the Examiner rejected claim 4 under 35 U.S.C. 103(a) as allegedly rendered obvious by U.S. Patent No. 5,589,865 to Beeson ("Beeson '865") in view of U.S. Patent No. 6,353,233 to Kikuchi, et al. ("Kikuchi '233"). Applicants respectfully traverse the rejection.

Claim 4 is patentable over the cited references for at least the reasons described above with reference to claim 1.

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Furthermore, Applicants respectfully submit that Beeson '865 is not operable in a system having a feed path with roller nips for the reasons described above and therefore the combination is not proper as it would defeat the teachings of the reference. Applicants respectfully submit that Beeson '865 specifically teaches away from two strips of the same material and thus does not support two strips of open cell foam. Applicants respectfully dispute any intended Official Notice in the rejection related to cited law regarding allegedly obvious modifications.

Accordingly, Applicants respectfully submit that claim 4 is patentable over the cited references.

On page 5 of the Office Action, the Examiner rejected claim 6 under 35 U.S.C. 103(a) as allegedly rendered obvious by U.S. Patent No. 5,589,865 to Beeson ("Beeson '865"). Applicants respectfully traverse the rejection.

Claim 6 is patentable over the cited references for at least the reasons described above with reference to claim 1.

Accordingly, Applicants respectfully submit that claim 6 is patentable over the cited reference.

On page 5 of the Office Action, the Examiner rejected claims 9, 13-14 and 17 under 35 U.S.C. 103(a) as allegedly rendered obvious by U.S. Patent No. 5,589,865 to Beeson ("Beeson '865"). Applicants respectfully traverse the rejection.

Claims 9, 13-14 and 17 are patentable over the cited references for at least the reasons described above with reference to claim 1.

Furthermore, Applicants respectfully submit that Beeson '865 is not operable in a system having a feed path with roller nips for the reasons described above and does not have strips that decompress to clean sensors below the feed path. Accordingly, the claimed dimensions may perform differently than the device of the cited art.

Applicants respectfully dispute any intended Official Notice in the rejection related to cited law regarding allegedly obvious modifications. Applicants respectfully submit that it would not have been obvious to modify Beeson '865 as described in that strips of such height are higher than the print head to be cleaned in Beeson and could

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be torn from the substrate such that the apparent "design choice" style rejection applied here is not appropriate.

Accordingly, Applicants respectfully submit that claims 9, 13-14 and 17 are patentable over the cited reference.

On page 6 of the Office Action, the Examiner rejected claims 11 and 12 under 35 U.S.C. 103(a) as allegedly rendered obvious by U.S. Patent No. 5,589,865 to Beeson ("Beeson '865"). Applicants respectfully traverse the rejection.

Claims 11 and 12 are patentable over the cited references for at least the reasons described above with reference to claim 1.

Accordingly, Applicants respectfully submit that claims 11 and 12 are patentable over the cited reference.

On page 6 of the Office Action, the Examiner rejected claim 19 under 35 U.S.C. 103(a) as allegedly rendered obvious by U.S. Patent No. 5,589,865 to Beeson ("Beeson '865") in view of U.S. Patent No. 4,055,029 to Kalbow ("Kalbow '029").

Applicants respectfully traverse the rejection.

Claim 19 is patentable over the cited references for at least the reasons described above with reference to claim 1.

Accordingly, Applicants respectfully submit that claim 19 is patentable over the cited references.

On page 7 of the Office Action, the Examiner rejected claim 20 under 35 U.S.C. 103(a) as allegedly rendered obvious by U.S. Patent No. 5,589,865 to Beeson ("Beeson '865"). Applicants respectfully traverse the rejection.

Claim 20 is patentable over the cited references for at least the reasons described above with reference to claim 1.

Accordingly, Applicants respectfully submit that claim 20 is patentable over the cited references.

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5. New Claim

Applicants respectfully submit that new claim 21 is patentable over the cited references.

Accordingly, Applicant respectfully submits that claims 1-15 and 17-21 are in condition for allowance and respectfully request that the Examiner withdraw the rejections.

6. Conclusion Of Remarks

For at least the reasons stated above, it is respectfully submitted that the claims of this application are in condition for allowance and early and favorable action thereon is requested.

If the Examiner believes that additional issues may be resolved by a telephone interview, the Examiner is respectfully urged to telephone the undersigned attorney for Applicant at (203) 924-3180.

7. Authorization


No fee is believed due with this response. However, the Commissioner is hereby authorized to charge any additional fees which may be required for the response or credit any overpayment to the Pitney Bowes, Inc. Deposit Account Number 16-1885, Order No. F-670.

In the event that an extension of time or additional extension of time is required to make this response timely filed, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely. The Commissioner is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the Pitney Bowes, Inc. Deposit Account Number 16-1885, Order No. F-670.

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Respectfully submitted,



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